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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 5 July 2017 from the Secretary-General addressed to the President of the General Assembly

In accordance with the provisions of paragraph 6 (h) of General Assembly resolution ES-10/17, I have the honour to transmit herewith the progress report, dated 16 June 2017, from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly.

(*Signed*) António **Guterres**

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Annex

Letter dated 16 June 2017 from the members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory addressed to the Secretary-General

We have the honour to provide the progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly in accordance with paragraph 6 (h) of Assembly resolution ES-10/17 (see enclosure).

We request that the progress report be issued as a document of the General Assembly. Our 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 progress reports were issued as documents A/ES-10/455, A/ES-10/498, A/ES-10/522, A/ES-10/598, A/ES-10/599, A/ES-10/658, A/ES-10/683 and A/ES-10/730, respectively.

(*Signed*) Ronald **Bettauer**
Member of the Board

(*Signed*) Harumi **Hori**
Member of the Board

(*Signed*) Matti **Pellonpää**
Member of the Board

Enclosure

Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

1. The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory provides the present progress report, in accordance with paragraph 6 (h) of General Assembly resolution ES-10/17, covering the period from 25 June 2016 to 16 June 2017. The Board's 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 progress reports were contained in documents A/ES-10/455, A/ES-10/498, A/ES-10/522, A/ES-10/598, A/ES-10/599, A/ES-10/658, A/ES-10/683 and A/ES-10/730, respectively. Board progress reports, as well as other basic documents pertinent to the work of the Register of Damage, are posted on the Register's website (www.unrod.org).

2. During the reporting period, the Register of Damage continued to collect, process and consider claim forms for inclusion in the Register in accordance with its Rules and Regulations Governing the Registration of Claims.

3. Since its launch in 2008, the community outreach campaign has covered 265 communities with a population of approximately 1,290,000 in the governorates of Janin, Tubas, Tulkarm, Qalqilyah, Salfit, Ramallah, Hebron, Bethlehem and Jerusalem. Thousands of printed posters and leaflets have been distributed to inform potential claimants of the requirements for completing a claim for registration of damage. During the reporting period, over a hundred meetings were held by the claim intakers of the Register of Damage with governors, mayors, local councils and potential claimants in the areas covered by the outreach campaign. In addition, the Register of Damage organized two specialized training sessions for mayors and local council officials from the Bethlehem and Jerusalem governorates on legal and organizational aspects of claim intake in their communities.

4. By 16 June 2017, 62,578 claim forms for registration of damage and over 1 million supporting documents had been collected and delivered to the Office of the Register of Damage in Vienna. Claim-intake activities have been carried out in eight of the nine affected governorates — Tubas, Janin, Tulkarm, Qalqilyah, Salfit, Hebron, Ramallah and Bethlehem. The process of claim intake in Jerusalem governorate is at an advanced stage.

5. As at 16 June 2017, the Board had decided to include in the Register some or all of the losses set out in 26,789 claim forms and to exclude 1,023 claim forms in which none of the losses met the eligibility criteria, bringing the total number of decided claims to 27,812.

6. During the past year, the Office of the Register of Damage continued to process the claim forms at an accelerated pace. However, despite the diligent and dedicated work of the secretariat and the intensive work of the Board, there is a considerable gap between the number of claim forms collected and the number processed by the Office.

7. Since its previous report, the Board has held four meetings in Vienna to review claim forms that had been translated, processed and individually reviewed by the Office staff. The Board met from 19 to 23 September and from 12 to 16 December 2016 and from 13 to 17 March and from 12 to 16 June 2017. At the four meetings, the Board reviewed and decided to include in the Register some or all of the losses set out in 1,166 claim forms, 1,442 claim forms, 1,318 claim forms and 1,098 claim forms, respectively. It decided not to include 153 claim forms, 41 claim forms, 50

claim forms and 8 claim forms, respectively, since none of the losses in the forms met the eligibility criteria in the Rules and Regulations.

8. The claim forms reviewed during the reporting period included 4,228 containing category A (agriculture) losses, 420 containing category B (commercial) losses, 98 containing category C (residential) losses and 686 containing category E (access to services) losses.

9. The Board, in its review of claims, continued to apply the eligibility criteria in accordance with article 11 of the Rules and Regulations. In view of the limited time available and the large number of claims for losses included in claim forms submitted to the Board for review by the Office staff, the Board continued to employ sampling techniques as provided for in article 12 (3) of the Rules and Regulations. During the four meetings covered by the present report, Board members reviewed in detail approximately 9.84 per cent of the claims for losses included on the claim forms submitted for review. As indicated in the Board report of 2012, the Executive Director of the Register consulted a statistician informally concerning the sampling methodology applied by the Board. The level of sampling is within statistical parameters of reliability. Claims that did not meet the eligibility criteria were either excluded from the Register or returned to the claimants in order for them to provide clarification.

10. Previous Board progress reports identified some of the issues addressed and decisions reached during previous reporting periods. The following are among the issues addressed and decisions reached by the Board during the present reporting period:

(a) Land division agreements: the Board decided that in cases where a land division agreement signed by all the heirs is provided, the agreement constitutes sufficient proof of relinquishment of shares of the heirs who did not claim, and shares may be recorded in accordance with the land division agreement, even if they differ from the shares set out in the relevant certificate of legacy;

(b) Date of death: the Board decided that in cases where only the year of death and not the specific date of death is provided, the last day of the year (31 December) should be recorded as the date when the interest arose;

(c) Estate claims: the Board decided that a representative authorized by a mandatory heir under sharia law or an heir named in a certificate of legacy of a deceased person may submit an estate claim;

(d) Loss of access to fertilizers: the Board previously decided that losses relating to reduced agricultural output due to the prohibition on the import of fertilizers from Israel to the Occupied Palestinian Territory would not be included in the Register, given that Israeli restrictions in that regard already existed prior to the construction of the wall. The Board clarified that this does not apply to agricultural output and income losses resulting from the restriction on movement of fertilizers within the Occupied Palestinian Territory that may be directly attributable to the wall;

(e) Subsequent losses: the Board decided that in cases where claimants filed claims for subsequent losses (for example, losses resulting from a fire or a flood sometime after the construction of the wall) after the submission of their initial claims, it is necessary to review the initial claims and make any necessary revisions or adjustments to the recorded data and/or decisions concerning the initial claims based on the information provided in the subsequent claims;

(f) New evidence: the Board decided that in cases where new information or evidence demonstrates a technical or substantive error in a decision made

concerning a claim, a correction to the recorded data and/or included or excluded losses may be made upon the Board's approval;

(g) Duplication: the Board decided that in cases where duplicate claims (i.e. claims for the same losses submitted by the same claimant) have been mistakenly included in the Register, one of them shall be removed from the Register and such removal shall be reflected in a formal Board decision;

(h) Reduction in value of land: the Board decided that, in general, in cases where the land is between the Green Line and the wall, a claim for reduction in value of land is deemed to be too speculative;

(i) Flood damage to residence: the Board decided that in cases where a claimant constructed a residence on his or her land after the construction of the wall and the residence is thereafter damaged by floods caused by the construction of the wall, the damage to the residence may be included as the claimant should not be deemed to have knowledge of the risk or likelihood of a flood affecting his or her land and damaging his or her residence;

(j) Regular family visits: the Board decided that in cases where claimants relocated because the wall impeded access to their educational establishments and have claimed the additional transportation costs that they incurred to visit their families, those costs may be included in the Register on the basis of the right to family life being a recognized human right and a customary expectation in the Occupied Palestinian Territory. Similarly, the Board decided that transportation expenses and/or the costs of maintaining an additional residence for a claimant to make regular visits to his or her spouse or parents may be included in the Register in cases where travel involves access to the seam zone or is otherwise impeded by the wall;

(k) Evidence for claims for restriction of access to basic goods and/or services: the Board decided that a claimant's identification document may constitute sufficient proof of residence in a locality that is an enclave, such as Qalqilyah, or where a claimant is similarly restricted by the wall in accessing basic goods and services, and that losses relating to such restrictions of access may be included in the Register;

(l) Road 443 and "fabric of life" roads: some claimants have asserted that the closure of Road 443 and the construction of "fabric of life" roads are connected to the wall. In a court case concerning the closure of Road 443, Israeli authorities stated that "fabric of life" roads were being constructed to reduce the harm caused by the closure of roads "as part of the security fence project". After assessing the situation, the Board decided that losses caused by the closure of Road 443 and the construction of "fabric of life" roads may be included in the Register.

11. As before, the Board would like to express its appreciation for the indispensable cooperation extended by the Palestinian National Authority and the Palestinian National Committee for the Register of Damage, as well as for the support provided by local governors, mayors and members of village councils on many practical aspects, without which outreach and claim-intake activities could not be undertaken successfully. As for the Government of Israel, it continues to consider that any claims in relation to damage caused by the construction of the wall should be addressed through the existing Israeli mechanism. On the practical level, the Executive Director of the Register of Damage continues to maintain constructive contacts with relevant Israeli authorities, and, during the reporting period, the Office of the Register of Damage did not experience any problems with access, delivery of needed materials or issuance of required visas. On occasion, the security situation impeded claims-intake activity.

12. The Board of the Register of Damage notes with satisfaction the good cooperation with United Nations agencies and offices present on the ground in the Occupied Palestinian Territory, as called for in paragraph 14 of General Assembly resolution ES-10/17. The Board especially appreciates the efficient and tangible contribution provided by the United Nations Office for Project Services in the areas of logistics, procurement, human and financial resources, and management in support of the Register of Damage. During the reporting period, the Register of Damage also continued to benefit from the advice and assistance of the Under-Secretary-General for Political Affairs and cooperation with the Department of Political Affairs.

13. The outreach and claim-intake activities in the Occupied Palestinian Territory, which are currently conducted by 10 claim intakers of the Register of Damage, have been funded by voluntary contributions from 21 donors. The Governments of Algeria, Austria, Azerbaijan, Belgium, Brunei Darussalam, Finland, France, Jordan, Kazakhstan, Malaysia, Malta, Morocco, the Netherlands, Norway, the Philippines, Qatar, Saudi Arabia, Switzerland and Turkey, as well as the European Commission and the Organization of the Petroleum Exporting Countries (OPEC) Fund for International Development, have donated over $6.7 million. Several Governments, as well as the OPEC Fund, have donated to the Register of Damage two or more times.

14. The Board would like to express its appreciation to those donors for providing funding and political support enabling the implementation of the provisions of General Assembly resolution ES-10/17. However, the resources that are currently available will be exhausted by the end of August 2017, thus putting into question the continuation of the claim-intake activity in the Occupied Palestinian Territory.

15. The Board commends the staff of the Office of the Register of Damage for their diligent and dedicated work.

16. The Board of the Register of Damage will continue to provide periodic reports.